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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,174	12/02/2003	John B. Amundson	H0005443-9950 (1161.11391)	4140
128	7590	04/04/2006	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			GARLAND, STEVEN R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,174	Applicant(s) AMUNDSON ET AL.	
	Examiner Steven R. Garland	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,27,28,30-46,48,49,51-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22,24,25,27,28,33-46,48,49,53-61 and 66-70 is/are rejected.
- 7) ☒ Claim(s) 23,30-32,51,52,62-65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/06 has been entered.

2. Claims 1-25,27,28,30-46,48,49, and 51-70 are pending. Claims 26,29,47, and 50 have been canceled.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 49 is incomplete since it depends on cancelled claim 47.

5. Remarks: it is assumed applicant intended claim 49 to depend on claim 33.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-3,5-14,16-22,25,33-40,42,43,45,46,53,54,57, 59 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoog et al. 2004/0193324 .

Hoog et al. 2004/0193324 discloses an audible/visual interface for a thermostat (abstract); that the thermostat can be used to control heating, cooling; ventilation (0054); that modified parameters are announced and/or visually displayed (0022,0075); activating a final triggering means to complete programming (0023); use of buttons (28,30); use of different periods "wake", "day", "eve", and "sleep" periods (0038); use of an alphanumeric LCD (0039, fig.2); use of a report function which indicates that a parameter has been saved (0039-0041) ; informing the user of changes to the system and confirming completion of commands (0043,0064); use of a button 62 to save changes (0047); setting a clock (0053); setting different programs for heating/cooling (0059); setting various times, fan setting, and temperatures (0042, 0047-0057)use of a keypad 52; setting on/off functions (fig.3); display of multiple parameters (fig. 2). See

the abstract; figures; paragraphs 0005-0012; 0020-0023; 0035-0047; 0047-0057; 0059; 0064-0071; 0075-0076; and the claims. Note in particular paragraph 0075.

Hoog in numbered paragraph 0075 specifically teaches asking the user if changes are desired (paragraph 0075, lines 12-13) and if so modifying a parameter using the interface buttons(first input), then after performing modification using the interface "RUN" key 62 (second input) to indicate modification is complete and then storing and/or display (visual indication) of the changed parameter (paragraph 0075, lines 21-28 and paragraph 0047).

Hoog while teaching both display of a changed parameter and storing the changed parameter does not specifically state that both operations are performed but only suggests doing both operations.

It would have been obvious to one of ordinary skill in the art to modify Hoog in view of the teaching of Hoog and display a changed parameter and store the changed parameter to confirm that the changes have been made and are saved.

In response to applicant's arguments; a parameter can be changed by the user but until the RUN key is pressed no indication is provided that the parameter will be actually saved.

9. Claims 15, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoog et al. 2004/0193324 as applied to claims 1-3, 5-14, 16-22, 25, 33-40, 42, 43, 45, 46, 53, 54, 57, 59 and 70 above, and further in view of Cottrell 2002/0005435.

Hoog et al. 2004/0193324 discloses an audible/visual interface for a thermostat (abstract); that the thermostat can be used to control heating, cooling; ventilation (0054); that modified parameters are announced and/or visually displayed (0022,0075); activating a final triggering means to complete programming (0023); use of buttons (28,30); use of different periods "wake", "day", "eve", and "sleep" periods (0038); use of an alphanumeric LCD (0039, fig.2); use of a report function which indicates that a parameter has been saved (0039-0041) ; informing the user of changes to the system and confirming completion of commands (0043,0064); use of a button 62 to save changes (0047); setting a clock (0053); setting different programs for heating/cooling (0059); setting various times, fan setting, and temperatures (0042, 0047-0057)use of a keypad 52; setting on/off functions (fig.3); display of multiple parameters (fig. 2). See the abstract; figures; paragraphs 0005-0012; 0020-0023; 0035-0047;0047-0057;0059;0064-0071; 0075-0076; and the claims. Note in particular paragraph 0075.

Hoog in numbered paragraph 0075 specifically teaches asking the user if changes are desired (paragraph 0075, lines 12-13) and if so modifying a parameter using the interface buttons(first input), then after performing modification using the interface "RUN" key 62 (second input) to indicate modification is complete and then storing and/or display (visual indication) of the changed parameter (paragraph 0075, lines 21-28 and paragraph 0047).

Hoog while teaching both display of a changed parameter and storing the changed parameter does not specifically state that both operations are performed but only suggests doing both operations.

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It would have been obvious to one of ordinary skill in the art to modify Hoog in view of the teaching of Hoog and display a changed parameter and store the changed parameter to confirm that the changes have been made and are saved.

Hoog however does not teach control of humidity.

Cottrell teaches control of humidity in a commercial field of conditioning and heating. (paragraph 00004)

It would have been obvious to one of ordinary skill in the art to modify Hoog in view of Cottrell to also control humidity as well as temperature so as to maximize occupant comfort or to control humidity in a factory or manufacturing environment.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3,5,6,8-12,14, 16-19,24,33-40,42,53,54,57,60,61 and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Braeburn Model 5000 owners manual (cited by applicant).

The manual discloses a keypad (page 6), control of a fan, heating, and cooling (page 5), setting and use of various times, dates, and temperatures during a day (page

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7, morn, day, eve, night), saving and display of parameters (pages 7-8, note steps 5-6 on page 8) and display of numeric and word data (see the figures) .

The manual teaches setting various parameters using a first means (up/down buttons) such as hour, temperature; then pressing a second button (PROG) to store a parameter and displaying an indication that the value has been saved such as flashing the next parameter to be set.

In response to applicant's arguments; note is taken that the display of the Braeburn flashes indicating the present editing position and that the previously edited parameters are no longer flashing indicating that they are saved. Further the claims at a minimum only require that a single parameter (at least one) be changed before the second input indicating that parameter modification is complete is input and which is met by Braeburn.

12. Claims 1-6,8-14, 16-19, 24,27,28,33-40,42,48,49, 53-58,60,61, and 68-70 are rejected under 35 U.S.C. 102(a) as being anticipated by Rite Temp 8082 cited by applicant as (http://www.ritetemp.info/rtMenu_13.html, Rite temp 8082, (printed on 6/20/03).

The thermostat useable with a HVAC system has a touch screen and sounds chirps (page 1); controls fan, heating, and cooling (page 1); allows selection and displays time, temperature, day, provides icons (chirp note, home, etc.), uses time slots (morn, day, etc.) on pages 2-3, allows review of stored programming which clearly shows the stored parameters (page 4) and also provides an indication that programming has been saved by returning to the home screen indicating changes have

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been saved (60 sec rule); pushing the return home button icon after programming also provides an indication that programming is complete; and additionally activating the locked program by touching the lock button icon also provides an indication that programming is completed since no program changes are allowed (pages 2,4,6) .

The Rite temp 8082 shows on the home screen (page 1) a plurality of parameters; the program screen (page2) allows user input by touching a button arrow icon or other area (time, temp, day, etc) then when editing/ programming is completed touching the home icon and then the basic home screen for the particular time is shown and which indicates that the changes have been saved.

13. Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Rite Temp 8082 cited by applicant as (http://www.ritetemp.info/rtMenu_13.html), Rite temp 8082, (printed on 6/20/03).

The thermostat useable with a HVAC system has a touch screen and sounds chirps (page 1); controls fan, heating, and cooling (page 1); allows selection and displays time, temperature, day, provides icons (chirp note, home, etc.), uses time slots (morn, day, etc.) on pages 2-3, allows review of stored programming which clearly shows the stored parameters (page 4) and also provides an indication that programming has been saved by returning to the home screen indicating changes have been saved (60 sec rule); pushing the return home button icon after programming also provides an indication that programming is complete; and additionally activating the locked program by touching the lock button icon also provides an indication that programming is completed since no program changes are allowed (pages 2,4,6) .

The Rite temp 8082 shows on the home screen (page 1) a plurality of parameters; the program screen (page2) allows user input by touching a button arrow icon or other area (time, temp, day, etc) then when editing/ programming is completed touching the home icon and then the basic home screen for the particular time is shown and which indicates that the changes have been saved.

The Rite Temp however does not specifically state how long the confirmation message is displayed.

It would have been obvious to one of ordinary skill in the art to display the message for one or more seconds so that the user has a chance to read the display before it is changed and reduce operator confusion.

14. Claims 23,30-32,51,52,62-65 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.R.G.

Steven R Garland
Examiner
Art Unit 2125

*3/28/06

Albert W. Paladini 3-31-06
ALBERT W. PALADINI
PRIMARY EXAMINER